

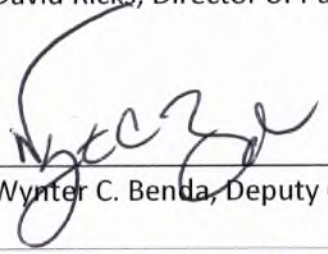


To the Honorable Council
City of Norfolk, Virginia

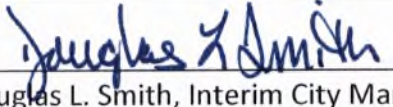
April 11, 2017

From: David Ricks, Director of Public Works

Subject: Encroach into the right-of-way
of Tabb Street and Cooke Avenue with a
concrete pad

Reviewed: 
Wynter C. Benda, Deputy City Manager

Ward/Superward: 4/7

Approved: 
Douglas L. Smith, Interim City Manager

Item Number:
R-1

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Foodbank of Southeastern Virginia, Inc
800 Tidewater Drive
Norfolk, Virginia 23504

III. **Description:**

This agenda item is to permit Foodbank of Southeastern Virginia, Inc. ("Foodbank") to encroach into the right- of-way of Tabb Street and Cooke Avenue with a ten-foot concrete pad.

IV. **Analysis:**

An encroachment is an object or structure that infringes into the City of Norfolk's (the "City's") rights-of-way or property. *Norfolk City Code*, § 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachments are also revocable by City Council. The encroachment in this location will allow Foodbank to construct a concrete driveway entrance to their loading area.

V. **Financial Impact:**

Liability insurance has been provided naming the City as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.

VI. **Environmental:**

N/A

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

IX. Coordination/Outreach:

This letter and ordinance have been coordinated with Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (2 sheets)

Form and Correctness Approved: 

By _____
Office of the City Attorney



Contents Approved:

By _____
DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING FOODBANK OF SOUTHEASTERN VIRGINIA, INC. TO ENCROACH INTO THE RIGHT-OF-WAY OF TABB STREET AND COOKE AVENUE WITH A CONCRETE PAD.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Foodbank of Southeastern Virginia, Inc. ("Foodbank") to encroach into the right-of-way at Tabb Street and Cooke Avenue at 800 Tidewater Drive with a ten foot (10') concrete pad, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Foodbank, or its successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structure or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That Foodbank, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or Foodbank, and its successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation,

maintenance, or existence of said encroaching structure, with evidence of such insurance being provided to the City.

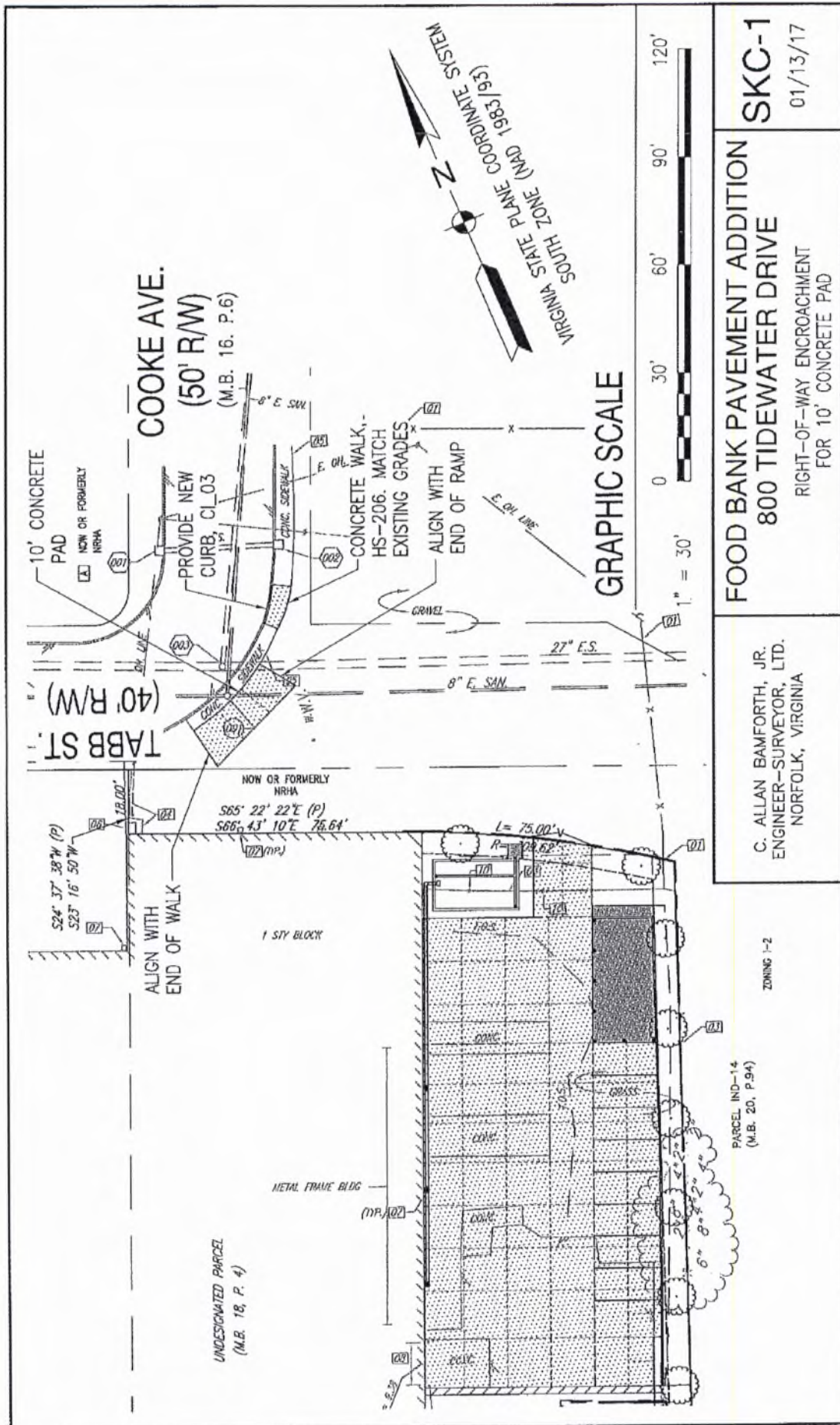
- (4) That the City shall not be responsible for any damage to the encroaching structure, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 800 Tidewater Avenue.

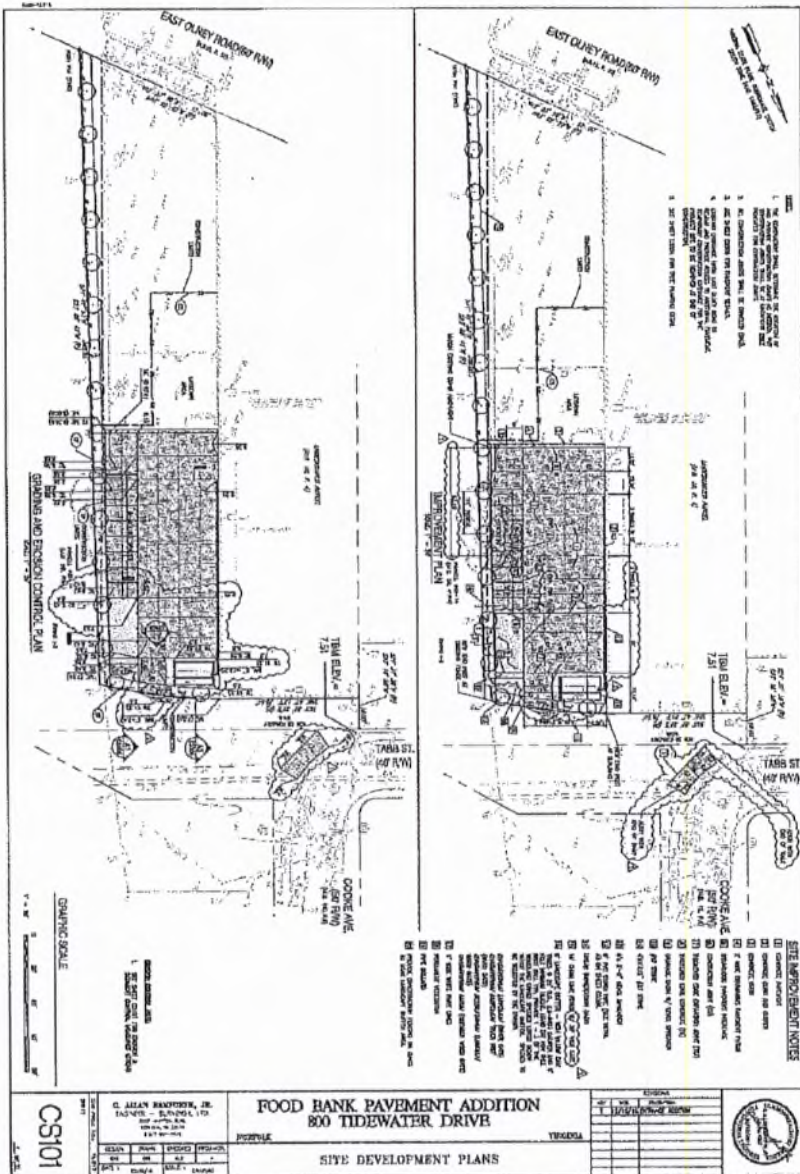
Section 2:- That the failure of Foodbank, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structure shall be deemed an acceptance by Foodbank, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE





<p>CS101</p> <p>G. J. JAMES, JR. ENGINEER</p> <p>DATE: 10/1/78</p>	<p>FOOD BANK PAVEMENT ADDITION 800 TIDEWATER DRIVE</p> <p>PORTLAND, ME</p> <p>SITE DEVELOPMENT PLANS</p>	<p>1. 1/2\"/> </p>
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